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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[12 March 1997]

COLOMBIA - INTERNALLY DISPLACED PERSONS

1. Internal armed conflict is one of the principal causes of the internal displacement of populations. All civil wars and internal conflicts lead to the phenomenon of internal displacement. Failure of warring factions to comply with the obligations contained in the Geneva Conventions, particularly in their common article 3, and in the Additional Protocols, is dramatically increasing the flow of displaced persons.

2. While enforced displacement in Colombia is the result of political violence, it should be viewed in the context of economic and social structures which are also violent (La Violencia del Silencio, 13 May 1993). For many years, the traditional political parties in power have regularly used legislation motivated by the internal state of disturbance in order to grant enormous power to the military and to criminalize the social and popular movement in Colombia, thereby hindering any type of political opposition.

3. The Government of Colombia has been slow to recognize the phenomenon of internal displacement and to assume its responsibilities as a guarantor of human rights. Only recently has the Government of Ernesto Samper recognized that the State is responsible for dealing with this human rights problem: "The Government of Colombia acknowledges the existence of a phenomenon of enforced population displacement within the country as a result of violence; this phenomenon has not been adequately studied, and there is a lack of reliable information on its scope. Several destabilizing factors, including guerrilla activities, have contributed to its development. Nevertheless, the State has a clear responsibility to deal with the enforced displacement of persons" (Exodo, III.96, No. 2).

4. The expectations generated by the Colombian Government's "new proposals" in the field of human rights and its alleged willingness to deal with the problem of internally displaced persons are therefore in sharp contrast to the situation of violence and enforced displacement throughout the country.

ENFORCED DISPLACEMENT STATISTICS, BROKEN DOWN BY YEAR

| Year | Number of Families | Number of Persons |
|---|---|---|
| 1985-1994 | 108 301 | 586 261 |
| 1995 | 21 312 | 89 510 |
| 1996 | 36 202 | 181 010 |
| Total | 165 815 | 856 781 |

Source: Office of Human Rights and Displacement (CODHES), 1997.

5. As these statistics show, there have been almost as many cases of displacement during the past two years as during the decade 1985-1994, which demonstrates that the situation has become much worse under the current Government.

6. During 1995, 195 individuals per day from 47 households, most of them women and children from rural areas, were displaced as a result of attacks on the civilian population by paramilitary groups, guerrillas, the armed forces and other armed groups. There are currently about a million displaced persons

in Colombia (approximately 180,000 families), and that number is showing a disturbing increase in 1997. In other words, one in 50 Colombians, a significant percentage of the total population of 37 million, is currently displaced (National Statistics Department).

7. One of the areas most affected by displacement is Urabá, where, between November 1994 and May 1995 alone, approximately 20,000 of the region's 500,000 inhabitants were displaced (Urabá, El Mayor Exodo de los Ultimos Años, 2 June 1995) and, according to information provided by local trade unions, an estimated 10 per cent of the population has been displaced by political violence for which the Colombian State and paramilitary groups are chiefly responsible. Those displaced from Urabá by acts of paramilitary barbarity, most of them members of trade unions and human rights organizations such as the Asociación de Ayuda Solidaria (ANDAS), have fled to Bogotá and Medellín, where they are subjected to constant threats and murderous attacks. In addition, the State system of "faceless judges" has arrested and tried them in kangaroo courts on the basis of testimony given by anonymous witnesses (ANDAS, Acción Urgente, July 1996 and Desplazados, Atrapados sin Salida, January 1997).

8. It is obvious that the uprooting of displaced persons violates not only their civil and political, but also their economic, social and cultural rights. The situation is even more clear in the case of rural families who are obliged to give up farming, join the already swollen ranks of the unemployed and live in subhuman conditions, work in the informal sector or take decisions even more degrading to human dignity.

9. The majority of those displaced by violence in Colombia are women and children. Children under the age of 18 - in other words, about 412,500 children who fled with their families under pressure from various armed groups - account for 55 per cent of the displaced population. Children under the age of 5 account for 12.72 per cent of displaced children, those between the ages of 5 and 10 for 19.78 per cent, those between the ages of 11 and 14 for 12.78 per cent and those between the ages of 15 and 18 for 9.03 per cent. Four of every 10 children of primary or secondary school age (ages 6-18) do not attend school, a significant fact in view of the impact of displacement on children. In addition, displaced children who succeed in entering the school system suffer traumas and experience problems in adapting to the educational process.

10. Displaced women are the most vulnerable segment of a population deprived of its most fundamental rights. Approximately 34,125 Colombian women are currently the heads of families displaced by violence; this means that 3 of every 10 displaced families are headed by women (Colombian Bishops' Conference, 1994 and CODHES, 1995). The majority of these women were forced from their homes by violence in the departments of Antioquia (37.6 per cent), Santander (15.2 per cent), César (8.4 per cent), Norte de Santander (3.6 per cent) and Sucre (3.2 per cent). Widows from rural areas account for 76.40 per cent of female heads of families. They are responsible for feeding, educating and caring for over 170,000 boys and girls, whose grief and suffering as a consequence of being compelled to leave their homes are continuing.

11. Displacement is associated with armed confrontation between various parties, State terrorism through the so-called "dirty war" and its network of murderers, links between the military and paramilitary groups, and landowners and drug traffickers who strip peasants of their land.

12. The CODHES statistics for 1996 show that most of the responsibility for displacement lies with paramilitary groups, including self-defence groups (over 35 per cent), the armed forces (about 30 per cent), "other factors", including regional police forces, situations of poverty in areas of conflict and acts of violence committed by landowners (16 per cent), and the guerrilla forces, including popular militias (28 per cent). The Colombian Government bears the largest share of responsibility through its failure to act and its tolerance of paramilitary groups.

13. Other causes of displacement are economic uncertainty (lack of jobs, crop failure, lack of public services and limited opportunities for improving the quality of life).

14. Despite a visit to Colombia in 1994 and subsequent recommendations by the Representative of the Secretary-General, Mr. Francis Deng, and although displacement is a serious problem which has existed for over 40 years, the Colombian State appears to have no political will to carry out studies on the problem, if only in order to determine the true number of internally displaced persons in the country (E/CN.4/1995/50/Add.1). Mr. Deng's visit was insufficient and merely resulted in programmes filled with good intentions, none of which have materialized.

15. On 13 September 1996, the Colombian Government, through the National Planning Department, issued National Council on Economic and Social Policy (CONPES) document 2804, entitled "National Programme for Comprehensive Care of the Population Displaced by Violence"; that programme has not, as yet, been fully implemented owing to excessive red tape and the Government's lack of genuine will to solve the problem. In any case, it is clearly contradicted by Decree No. 2027 of 21 November 1996, issued in connection with the internal state of disturbance in order to protect the civilian population: "the Governor or Mayor, together with the Ministry of Defence, shall order the evacuation of individuals or families located in areas where military operations for the purpose of restoring public order are scheduled to take place". It is clear, in view of the nature of internal armed conflict, that what is referred to as "evacuation" corresponds to the typical, widespread pattern of displacement (Exodo, February 1996).

16. Military doctrines which include population displacement as part of their strategy are incompatible with the standards of international humanitarian law. Such military theories are in flagrant violation of common article 3 of the Geneva Conventions and, in particular, article 17 of Additional Protocol II, which stipulates that the displacement of the civilian population shall not be ordered, nor shall civilians be compelled to leave their own territory, for reasons connected with a conflict.

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